

## **MINUTES**

### **UTAH FUNERAL SERVICE LICENSING BOARD MEETING**

**December 17, 2008**

**Room 475 – 4<sup>th</sup> Floor – 9:00 A.M.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:00 a.m.

**ADJOURNED:** 11:24 a.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Reginal V. Ecker, Chairperson

Ned Nordgren

Mary W. Bearnson

Allyn Walker

Mitchell Blackburn

Mark Walker

Joseph W. Thalman

**Board Members Absent:**

**DOPL Staff Present:**

F. David Stanley, Division Director

Lori Noda, Attorney General's Office Representative

Kimball Forbes, Attorney General's Office

Representative

Wayne Holman, Chief Licensing/Investigations  
Manager

**Guests:**

Joyce Mitchell, Funeral Consumers Alliance

David Mitchell, Funeral Consumers Alliance

Cory Mattson

Ana Mattson

Darren Parker, Utah Funeral Directors Association,

Betsy Jerome, Utah Insurance Department

Brad Tibbitts, Utah Insurance Department

Leisa Finch, Office of Vital Records and Statistics

Jeff Duncan, Office of Vital Records and Statistics

Brandon Burningham, Utah Funeral Directors  
Association

Jeff Rasmussen, Utah Funeral Directors Association

Shawn Myers, National Funeral Directors Association

Debra McBride, Department of Health / Medicaid

## **TOPICS FOR DISCUSSION**

### **ADMINISTRATIVE BUSINESS:**

Approve November 12, 2008 Board Meeting Minutes

Update of Emergency Contact

### **DISCUSSION ITEMS:**

Death Certificates Registration Requirement  
Law Change – Joyce Mitchell

## **DECISIONS AND RECOMMENDATIONS**

Ms. Bearson seconded by Mr. Nordgren made a motion to approve the November 12, 2008 Board Meeting Minutes as corrected, the motion carried unanimously.

Completed, with no further action taken.

Ms. Mitchell requested a meeting with the Board, representatives of the Division of Vital Statistics, Utah Funeral Directors and National Funeral Directors Associations, to discuss her proposed changes to Title 26 Chapter 2 and Title 58 Chapter 9. Ms. Mitchell explained that during the 2006 legislative session Title 26 Chapter 2 and Title 58 Chapter 9 were changed to impede a private citizen from signing a death certificate, or transporting a deceased body. Ms. Mitchell is requesting to change/amend both statutes back to be pre 2006 wording.

Ms. Mitchell is basing her request on the understanding that:

- 44 other states allow private citizen to sign a death certificate. Most of which allow a citizen to electronically file the death certificate;
- Some Funeral Service Directors are charging family members as much as \$1479 to transport the deceased, and sign the death certificate;
- Current wording of the two Statutes, causes the Funeral Service Director to be a “Death Tax Collector”;
- The Funeral Service Director is responsible for the body, but has no control over it.
- It is much more difficult for families to have an “at home funeral”; and
- When Title 26 Chapter 2 and Title 58 Chapter 9 were changed the legislature was misled to believe that the primary changes were to:
  - Clarify or match definitions;
  - Define the use of Funeral Service Director; and
  - Facilitate the electronic death certificate

filing system.

Ms. Mitchell was careful to explain that she will not be requesting to change any other portion of the statutes except the sections which apply directly to this subject.

The Board and Guests present then expressed their concerns/opinion of Ms. Mitchell's request:

- The general public is not appropriately trained in "Blood Born Pathogens", where as a Funeral Director is required to under go yearly training;
- It is not an issue for most Funeral Establishments to transport/sign the death certificate for family, for a nominal fee;
- Most Funeral Establishments acknowledge the family's right to care for there loved ones after death.
- The largest concern is fraud;
  - Funeral Service Directors are in many cases the individuals who find evidence of foul play, and report it to the authorities.
- The profession contends that legislation was not passed to harm the public in any way, nor was the legislation misrepresented to legislature;
- Some individuals present found it hard to believe that other states allow citizens to file their own electronic death certificates, due to the amount of information which must be entered;
- There have been cases in the past where families have determined to handle all funeral arrangements, and steps have been missed. Requiring that a Funeral Service Director signs the death certificate insures that all steps are complete, and the family is protected.
- Current wording of 58-9-305 (4) (b) requires that a family member may perform a funeral, graveside, or memorial service;
- Prior to the 2006 legislation, the Division had more cases of unlicensed practice by Funeral Services Directors.

Mr. Stanley and Mr. Ormond then explained that when the proposed Bill is discussed at the 2009 legislative session, the Division will take a neutral stance. They further encouraged the Utah Funeral Directors and National Funeral Directors Associations to voice their opinions at legislature, either for or against Ms.

Mitchell's proposed changes.

Mr. Blackburn seconded by Mr. Allyn Walker made a motion to keep the wording of Title 58 Chapter 9 and Title 26 Chapter 2 as current written, the motion carried unanimously.

Medicaid Insurance Discussion – Debbie McBride

Ms. McBride explained that she has had several meetings, through out the State, with representatives of the Funeral Services Profession, to help explain some confusion regarding Pre-need Funeral arrangements, and Medicaid eligibility.

Ms. McBride began to explain, that to remain eligible for Medicaid benefits, the ownership of an insurance policy must be transferred to the Funeral Establishment at the time of a Pre-Need Funeral plan being purchased. Ms. Jerome, and Mr. Tibbitts, of the Utah Insurance Department, then entered the discussion and explained that Department of Health/Medicaid and the Utah Insurance Department needed to have a meeting to discuss this issue.

This issue was then tabled for a future discussion, to insure that none of Utah's Statutes are being violated.

Trust Account

Mr. Nordgren question if the Division had received any feedback from Ms. Noda regarding the November 12, 2008 Trust Accounts discussion. Mr. Ormond explained 58-9-702 requires that 100% of the funds received for the purchase of a pre-need funeral arrangement shall be deposited into the trust account.

**NEXT MEETING:**

February 18, 2009

**ADJOURN:**

11:24 a.m.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

February 18, 2009

(ss) Reginal V Ecker

Date Approved

Chairperson, Utah Funeral Service Licensing Board

February 18, 2009

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational & Professional Licensing